

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN HENDRICKS,

Plaintiff,

vs.

**Case No.: 2:08-cv-580
JUDGE SMITH
Magistrate Judge King**

**PICKAWAY CORRECTIONAL
INSTITUTION, *et al.*,**

Defendants.

ORDER

On December 21, 2015, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Defendants' Motion to Strike be denied and that Plaintiff's Motion for Sanctions be denied. Further, Plaintiff's request for oral argument or evidentiary hearing on his motion is denied. (*See Report and Recommendation*, Doc. 251). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Defendants' Objection to the Magistrate Judge's *Report and Recommendation*. (*See* Doc. 256). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Defendants do not object to the findings and recommendation of the December 21, 2015 *Report and Recommendation*. However, Defendants object, for purposes of appeal, to the Court's notation that "defendants failed to raise [the qualified immunity] defense." (Doc. 251). The Court acknowledges Defendants objection for purposes of appeal.

Because Defendants' objection is merely to preserve an argument for appeal and does not challenge the reasoning or conclusions of the Magistrate Judge's *Report and Recommendation*, the December 21, 2015 *Report and Recommendation*, Document 251, is hereby **ADOPTED** and **AFFIRMED**.

The Clerk shall remove Document 251 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT